

1 Robert B. Hawk (Bar No. 118054)
2 Maren J. Clouse (Cal. Bar No. 228726)
3 Stacy R. Hovan (Cal. Bar. No. 271485)
4 HOGAN LOVELLS US LLP
5 4085 Campbell Avenue
6 Suite 100
7 Menlo Park, CA 94025
8 Telephone: (650) 463-4000
9 Facsimile: (650) 463-4199
10 robert.hawk@hoganlovells.com
11 maren.clouse@hoganlovells.com
12 stacy.hovan@hoganlovells.com
13

14 Attorneys for Defendants
15 KLEINER PERKINS CAUFIELD & BYERS,
16 KPCB HOLDINGS, INC., DOMAIN
17 ASSOCIATES, LLC, DOMAIN PARTNERS V,
18 L.P., DP V ASSOCIATES, L.P., DOMAIN
19 PARTNERS VII, L.P., DP VII ASSOCIATES, L.P.,
20 SEARS CAPITAL MANAGEMENT, LOWELL
21 SEARS, both individually and as trustee, CAXTON
22 ADVANTAGE VENTURE PARTNERS, L.P.,
23 CAXTON ADVANTAGE LIFE SCIENCES FUND,
24 L.P., STANLEY E. ABEL, and PETER M.
25 BREINING

16 UNITED STATES DISTRICT COURT
17
18 NORTHERN DISTRICT OF CALIFORNIA
19
20 SAN FRANCISCO DIVISION

21 THE FLOREY INSTITUTE OF
22 NEUROSCIENCE AND MENTAL HEALTH,

23 Plaintiff,

24 v.

25 KLEINER PERKINS CAUFIELD & BYERS,
26 KPCB HOLDINGS, INC., DOMAIN
ASSOCIATES, LLC, DOMAIN PARTNERS
V, L.P., DP V ASSOCIATES, L.P., DOMAIN
PARTNERS VII, L.P., DP VII ASSOCIATES,
L.P., SEARS CAPITAL MANAGEMENT,
LOWELL SEARS, Individually and as Trustee
of The Sears Trust and The Sears Trust Dated
3/11/91, CAXTON ADVANTAGE VENTURE
PARTNERS, L.P., CAXTON ADVANTAGE
LIFE SCIENCES FUND, L.P., STANLEY E.
ABEL, PETER M. BREINING, and THOMAS
G. WIGGANS,

27 Defendants.
28

Case No. 12-cv-06504 SC

29 **STIPULATION AND [PROPOSED]
30 ORDER REGARDING BRIEFING
31 SCHEDULE FOR MOTION TO
32 DISMISS FIRST AMENDED
33 COMPLAINT**

1 Plaintiff The Florey Institute of Neuroscience and Mental Health (“Plaintiff”) and
2 Defendants Kleiner Perkins Caufield & Byers, KPCB Holdings, Inc., Domain Associates, LLC,
3 Domain Partners V, L.P., DP V Associates, L.P., Domain Partners VII, L.P., DP VII Associates,
4 L.P., Sears Capital Management, Lowell Sears, both individually and as trustee, Caxton
5 Advantage Venture Partners, LP, Caxton Advantage Life Sciences Fund, L.P., Stanley E. Abel,
6 and Peter M. Breining (“Defendants”), by and through their respective counsel of record, enter
7 into the following stipulation, based upon the recitals below:

8 1. WHEREAS Plaintiff filed a First Amended Complaint (the “Amended
9 Complaint”) against Defendants on October 28, 2013;

10 2. WHEREAS the above-referenced Defendants filed a Motion to Dismiss on
11 December 3, 2013;

12 3. WHEREAS the current briefing schedule requires Plaintiff to file an opposition to
13 the Motion to Dismiss on December 17, 2013 and the above-referenced Defendants to file a reply
14 on December 24, 2013;

15 4. WHEREAS the Motion to Dismiss is currently set for hearing on January 10,
16 2014;

17 5. WHEREAS the above-referenced Defendants wish for additional time to file their
18 reply brief in light of the nature of the issues presented in the Motion to Dismiss and due to pre-
19 existing holiday schedules and travel plans;

20 6. WHEREAS counsel for the above-referenced Defendants and Plaintiff have agreed
21 upon a briefing schedule for the Motion to Dismiss;

22 7. NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED that
23 a. Plaintiff’s Opposition to the Motion to Dismiss shall be due on or before
24 December 24, 2013.

25 b. The above-referenced Defendants’ Reply in support of the Motion to Dismiss
26 shall be due on or before January 7, 2014.

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2014

1 c. The hearing on the Motion to Dismiss shall be continued to January 24, ~~2013~~.

2 **IT IS SO STIPULATED.**

3 DATED: December 12, 2013

4 CROWELL & MORING LLP

5 By: /s/ Mark T. Jansen

6 Mark T. Jansen

7 Attorneys for Plaintiff

8 THE FLOREY INSTITUTE OF
NEUROSCIENCE AND MENTAL HEALTH

9 DATED: December 12, 2013

10 HOGAN LOVELLS US LLP

11 By: /s/ Robert B. Hawk

12 Robert B. Hawk

13 Attorneys for Defendants

14 KLEINER PERKINS CAUFIELD & BYERS,
15 KPCB HOLDINGS, INC., DOMAIN
16 ASSOCIATES, LLC, DOMAIN PARTNERS V,
17 L.P., DP V ASSOCIATES, L.P., DOMAIN
PARTNERS VII, L.P., DP VII ASSOCIATES,
L.P., SEARS CAPITAL MANAGEMENT,
LOWELL SEARS, both individually and as
trustee, CAXTON ADVANTAGE VENTURE
PARTNERS, L.P., CAXTON ADVANTAGE
LIFE SCIENCES FUND, L.P., STANLEY E.
ABEL, and PETER M. BREINING

18 **PURSUANT TO THE ABOVE STIPULATION, IT IS SO ORDERED.**

19 Dated: 12/13/2013

20 
21 THE HONORABLE SAMUEL CONTI

22 **ATTESTATION**

23 I, Robert B. Hawk, attest that Mark T. Jansen has approved the Stipulation Regarding
24 Briefing Schedule For Motion to Dismiss First Amended Complaint and consents to its filing in
25 this action.

26 By: /s/ Robert B. Hawk

27 Robert B. Hawk